

170 End of Tenancy

1. Customer Statement

At Link Wentworth our customers and communities are at the centre of what we do. We are committed to:

- treating our customers with compassion and respect
- communicating clearly so that our customers can make informed decisions
- providing fair service by following the right process
- working openly with customers to find shared solutions
- following all relevant laws and regulations

2. Purpose

This policy sets out Link Wentworth's approach to managing the end of tenancy process in accordance with the Residential Tenancies Act 2010.

3. Scope

This policy applies to all Link Wentworth properties and programs.

4. Policy

Link Wentworth is committed to managing the ending of tenancies in a way that accords with the law, minimises the impact on our tenants and supports the sustainability of our organisation.

Ending a Tenancy

A Residential Tenancy Agreement ends if a tenant gives vacant possession, or the NSW Civil and Administrative Tribunal makes an order ending the tenancy. Link Wentworth, a landlord or a tenant may issue a notice of termination to end a Residential Tenancy Agreement under the Residential Tenancies Act 2010:

- at the end of the fixed term of a Residential Tenancy Agreement
- when the property is sold
- when the Residential Tenancy Agreement is breached
- if the tenant chooses to vacate the premises
- landlord of leasehold property giving no grounds to terminate agreement

Link Wentworth issues a Notice of Termination (NOT) specifying the reason or ground for ending the tenancy. These grounds are listed in the RTA 2010 and in our tenancy agreements.

Notice Period

The following table outlines the notice periods required before a tenancy agreement can be terminated.

This table is in accordance with the Residential Tenancies Act 2010.

Circumstances	Notice Period Required
Tenant wishing to end their tenancy after the fixed tenancy agreement has ended and they are on a continuous agreement	21 days
Tenant wishing to end tenancy at end of fixed tenancy agreement	14 days
Landlord giving notice at the end of fixed agreement	30 days
Landlord of leasehold property giving no grounds to terminate agreement	90 days
Landlord sale of property	30 days
Breach of tenancy agreement or non-payment of rent	14 days

Where possible, we will work with tenants to ensure that they understand their legal rights and responsibilities when ending a tenancy and notify tenants of any decisions that have been made that may affect them.

Once Link Wentworth or the tenant issues a notice to end a tenancy, a Link Wentworth Tenancy Manager sends a confirmation letter regarding the termination date, along with the procedure for handing back the property. This letter details property cleaning requirements, the return of keys process and bond refund information and a copy of your rent statement.

Ending a tenancy under Section 85 of the Residential Tenancies Act 2010 (RTA 2010) (90 days no grounds termination)

Section 85 of the RTA 2010 allows a landlord to issue a 'no grounds' Notice of Termination (NOT) for a periodic agreement, provided that the termination date is at least 90 days after the day on which the notice is given.

Link Wentworth will issue a 'no grounds' NOT under Section 85 of the RTA 2010 only if the RTA 2010 does not provide a termination ground suitable for the situation. For example, if we receive a 'no grounds' NOT under Section 85 of the RTA 2010 from an owner of one of our leasehold properties, we will issue a corresponding 'no grounds' NOT to our tenant. See the Management Transfer policy for more information about how we relocate tenants from leasehold properties.

The issue of a Section 85 'no grounds' NOT must be approved by the Link Wentworth Head of Tenancy. We follow the NCAT process to terminate the tenancy under this section and maintain a fair and transparent process throughout. Our decision to issue a Section 85 'no grounds' NOT may be appealed. See the Complaints and Appeals section of this policy for more details.

Property Condition

The RTA 2010 states that the tenant must leave the property in a reasonable condition (fair wear and tear excepted) as set out in the original property condition report.

Vacating a Property

Link Wentworth organises a pre-vacate inspection to clarify and discuss any issues that may need to be resolved before a tenant moves out. The pre-vacate inspection includes discussion of the following:

- any outstanding debts or credits
- any work required to return the property to fair condition (internal and external)
- removal of any goods/items/rubbish from premises
- access to premises for viewings
- forwarding address and bank account details.

We encourage tenants to participate in a pre-vacate inspection, so they are aware of our expectations when the property is vacated and the keys returned. We do not allow former tenants to do further cleaning or minor property repairs after they have moved out and returned the keys.

The Tenancy Manager undertakes a final inspection of the property when, or shortly after, the tenancy ends. If we have contact details for a former tenant, we advise them of this inspection and give them the opportunity to attend.

End of Tenancy Debts and Charges

Link Wentworth may charge former tenants for any work required to return the property to its original condition at the start of the tenancy, apart from fair wear and tear. This includes the cost of cleaning and repairing any damage in line with the Tenant Recharge Policy.

We record of any debts or charges owing to Link Wentworth at the end of the tenancy in the former tenant's file. Where we have a forwarding address for a former tenant, we advise in writing of any charges relating to work carried out at their former property. We also seek payment of these charges, including through a claim on the former tenant's bond or an application for NSW Civil and Administrative Tribunal (NCAT) orders as appropriate.

Return of bond

If there are no outstanding rent or maintenance issues, Link Wentworth applies to the Rental Bond Board to return the bond to the tenant. If there are outstanding tenant charges, Link Wentworth may apply to claim part or all of the bond money.

Keys

Tenants are responsible for returning the keys that were given to them at the start of the tenancy and must return the keys to Link Wentworth on or before the specified date on the termination notice. Tenants who do not return the keys within this timeframe are charged a daily occupation fee until the keys are returned. Tenants are responsible for the replacement cost of any keys which have not been returned.

Housing Applications by Former Tenants

Under Housing Pathways, when an applicant has previously lived in social housing, their application is referred to their previous social housing provider. In this situation, Link Wentworth reviews the former tenant's file and decides if there are any conditions the applicant must meet before their request for housing assistance is approved.

If a former tenant applies for a tenancy in other Link Wentworth properties or social housing, we ask them to repay their debts. We will offer assistance if the former tenant demonstrates a commitment to repaying their debt by making regular repayments.

Link Wentworth also needs to be satisfied that a former tenant reapplying for social housing has the ability to sustain a tenancy, with or without support. A social housing applicant must meet specific conditions before a provider can list their application on the NSW Housing Register or be considered for other housing assistance. When making this assessment, we consider information about the previous tenancy such as incidences of nuisance and annoyance or property damage.

Link Wentworth will also consider whether other people who lived with the former tenant can be part of any future household. This applies in cases where a household member in a previous tenancy was responsible for nuisance and annoyance, property damage or acts of violence.

Tenant References

A former tenant can make a request for a tenancy reference, which can be provided in writing, verbally or as a survey response.

A tenancy reference indicates whether a tenant has maintained their tenancy satisfactorily in relation to:

- payment of rent and other charges
- property care
- any breaches to the Residential Tenancy Agreement

If contacted by another agency, Link Wentworth can confirm if a tenancy reference was given but will not expand on details unless written or email approval is given by the former tenant.

5. Definitions

Notice of Termination (NOT) is a legal document issued by landlords and tenants to provide notice for the ending of a tenancy agreement.

Property Condition Report (PCR) is a document given to the tenant at the beginning of the tenancy that records the condition of the property and forms part of the Residential Tenancy Agreement.

Pre-vacate inspection is an inspection of the property before the lease termination date to review the condition of the property and identify any items requiring rectification before vacating.

6. Legislative or other applicable framework

- *Residential Tenancies Act (2010)*

7. Complaints and appeals

An applicant for social housing or tenant who is not happy with a decision we make or who believes that we have not followed this policy can complain or appeal using the complaints and appeals policies that are available on the Link Wentworth website www.linkwentworth.org.au or by phoning Link Wentworth on 13 14 21.

8. References

- Management Transfer Policy
- Tenant Recharge Policy

9. Privacy and Confidentiality

Link Wentworth has obligations and responsibilities under its Privacy Policy. Please refer to the policy for further information.

Approval, Policy Owner and Review Frequency

Policy type:	Management Level
ELT owner:	Chief Customer Officer
Business owner:	Head of Tenancy
Ultimate Approval body:	ELT-Member
Review Frequency:	Every two years or more frequently if circumstances warrant.

Approved by – **Chief Customer Officer**